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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/302,024 04/29/99 HODGSON

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P31353-

HM12/0510

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EXAMINER

KERR, K

ART UNIT

PAPER NUMBER

1652

DATE MAILED:

05/10/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/302,024

Applicant(s)

Hodgson et al.

Examiner

Kathleen Kerr

Group Art Unit
1652



☒ Responsive to communication(s) filed on 3/22/00

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 28-47 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☒ Claim(s) 28-47 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☒ received in Application No. (Series Code/Serial Number) 08/785,455.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 11

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Application Status

1. An amendment was filed on March 22, 2000, which deleted all previously pending claims 13, 14, and 16-19 and added new claims 28-47. Thus, claims 28-47 are pending in the instant application.

Election

2. Applicants' election without traverse of Group I (original claims 13-14) in Paper No. 8 is acknowledged. Newly filed claims 28-47 are drawn to the subject of Group I and will be examined as the elected invention.

Priority

3. Applicants are granted the benefit of priority for the foreign applications 9601095.4 filed on January 19, 1996 and 9615845.6 filed on January 27, 1996, both in the United Kingdom, as requested in the oath; the certified copies of said applications have been received in the parent U.S. application 08/785,455. Applicants are also granted the benefit of priority for the parent U.S. application 08/785,455 filed on January 17, 1997. The priority date granted for purposes of prior art in this Office action is January 27, 1996.

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Information Disclosure Statement

4. The information disclosure statement filed on April 29, 1999 has been reviewed, and its references have been considered as shown by the Examiner's initials next to each citation on the attached copy.

Objections to the Specification

5. The specification is objected to because of the following informalities:
- a. The title should be changed to "Methionyl tRNA Synthetase Polypeptides from *Staphylococcus Aureus*" for clarity.
 - b. On page 40, the abstract of the disclosure should clearly identify the subject matter of methionyl tRNA synthetase (tRS) enzymes from *Staphylococcus aureus*. Once stated, the abbreviation tRS may be used throughout the remainder of the abstract.
- Appropriate correction is required.

Allowable Subject Matter

6. Claims 28-47, drawn to methionyl tRNA synthetase polypeptides (i.e. SEQ ID NO: 2) and compositions thereof, are deemed allowable subject matter by virtue of a thorough review of the prior art. The closest prior art to applicants' claims is GenBank Accession No. S16682 which is a *Bacillus stearothermophilus* tRNA ligase (also called tRNA synthetase) polypeptide. This polypeptide has a maximum of 17 consecutive residues of applicants' SEQ ID NO: 2 and

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approximately 65% overall sequence identity with applicants' SEQ ID NO: 2. Thus, applicants' claims to 95% identity and as few as 30 consecutive residues are free of the prior art.


Conclusion

7. While claims 28-47 are drawn to allowable subject matter, the application is not allowable due to the objections cited above. Applicants must respond to the objections in each of the numbered sections in this Office action to be fully responsive in prosecution.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Dr. Kathleen M. Kerr whose telephone number is (703) 305-1229. The Examiner can normally be reached on Monday to Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Ponnathapura Achutamurthy, can be reached on (703) 308-3804. The fax phone number for this Group is (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.


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SUPERVISORY PATENT EXAMINER
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KMK

May 1, 2000